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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,332	02/17/2004	Michiel Barend Eleveld	TS-1261 02 (US) 1106 JDA:KNL	
7590 03/22/2005		EXAMINER		
Jennifer D. Adamson			WOOD, ELIZABETH D	
Shell Oil Comp Legal - Intelle		ART UNIT	PAPER NUMBER	
P.O. Box 2463	, , , , , , , , , , , , , , , , , , ,	1755		
Houston, TX 77252-2463			DATE MAILED: 03/22/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner   Elizabeth D. Wood   1755		Application No.	Applicant(s)				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  1 Set automation to many by a smalled worth the provision of 37 CPR 1.78(a). In one event, horsever, may a neply be timely filed to the priority of the priority of reply specified above. He manume authority period with the statisticy minimum of thirty (0)) days will be considered timely.  2 If the portiod for reply specified above is less than thirty (0) days, as reply within the statisticy minimum of thirty (0)) days will be considered timely.  3 If the portiod for reply specified above is less than thirty (0) days, as reply within the statisticy minimum of thirty (0)) days will be considered timely.  4 If the priority of the priority decided by the communication.  4 If the priority of the difficult extent and the smaller paired will apply and will agries 28 (6) AVXTP13 from the malling date of this communication. An average of the communication are smaller and pair the malling date of this communication, even if timely filed, may reduce any search against the malling date of this communication, even if timely filed, may reduce any search against the malling date of this communication, even if timely filed, may reduce any search against the malling date of this communication, even if timely filed, may reduce any search against the malling date of this communication, even if timely filed, may reduce any search against the malling date of this communication, even if timely filed, may reduce any search against the malling date of this communication, even if timely filed, may reduce any search against the malling date of this communication, even if timely filed, may reduce any search against the malling date of this communication, even if timely filed, may reduce any search against the malling date of this communication, even if timely filed, may reduce any search against the malling date of this communication.  5 If the priority date is a search against the malling date of this commun		10/780,332	ELEVELD ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edatewors of time map be available under the provisible under the provision of SCR 1.754(5).  Status  1)	Office Action Summary	Examiner	Art Unit				
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## Specification

The examiner has not checked the specification to the extent necessary to determine the presence of **all** possible minor errors (grammatical, typographical and idiomatic). Cooperation of the applicant(s) is requested in correcting any errors of which applicant(s) may become aware of in the specification, in the claims and in any future amendment(s) that applicant(s) may file.

Applicant(s) is also requested to complete the status of any copending applications referred to in the specification by their Attorney Docket Number or Application Serial Number, if any.

The status of the parent application(s) and/or any other application(s) cross-referenced to this application, if **any**, should be updated in a timely manner.

#### **Abstract**

The abstract of the disclosure is objected to because an abstract should be presented as a single paragraph. Correction is required. See MPEP § 608.01(b).

### Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-5 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-10 of U.S. Patent No. 6,716,788. Although the conflicting claims are not identical, they are not patentably distinct from each other because they differ from one another only in the scope of coverage being sought. For example, the patented process recites and "alkaline metal compound" whereas the instant claims recite an "alkaline metal oxide". However, the "compound" of the patent is defined by the specification to include an oxide. The patented claims further recite catalyst present in an amount of at most 15ppm. The instant claims are silent regarding the amount, and thus are broader than the species for which a patent has already been granted. A generic claim is always obvious over a patented species. Regarding the amount of ultra-high molecular weight compounds in the reaction product, it is considered that this limitation is inherent to operation with the instantly claimed catalyst composition. In this field of technology, the catalysts are tailored specifically to produce products having certain characteristics, or certain changes in the reaction itself such as induction periods. Accordingly, absent some convincing showing of evidence to the contrary, it is more than reasonable to conclude that the catalyst composition itself is responsible for the characteristics of the reaction product.

#### Conclusion

Applicants are advised that any evidence to be provided under 37 CFR 1.131 or 1.132 and any amendments to the claims and specification should be submitted prior to

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final rejection to be considered timely. It is anticipated that the next office action will be a final rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth D. Wood whose telephone number is 571-272-1377. The examiner can normally be reached on M-F, 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elizabeth D. Wood Primary Examiner Art Unit 1755

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